

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO. 3:00CR039-01(CCC)

MARIO J. ZAYAS-CANIZARES

**MOTION FOR SOME DISPOSITION REGARDING
RESTITUTION OBLIGATION**

TO THE HONORABLE CARMEN C. CEREZO
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, Martín De Santiago U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of releasee, Mr. Zayas-Canizares, who on August 10, 2000, was sentenced to fifteen (15) months imprisonment, to be followed by three (3) years of supervised release after he pled guilty to violating Title 18, U.S. Code, Sections 1029(a)(5) and 2. Restitution in the amount of \$134,689.49 to Alberic Colón Auto Sales was also imposed. A \$100 special monetary assessment was also imposed and was duly satisfied. The offender was released from federal custody on May 28, 2002, at which time his supervised release term commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The offender has been in compliance with his conditions of release since the onset of his supervised release term. Despite his precarious financial condition, he has made the effort in complying with his restitution payments and we have monitored this closely via financial investigations, which included credit report checks and verification of his income tax returns. Additionally, we have always kept the Financial Litigation Unit of the U.S. Attorney's Office informed of the offender's financial state.

Given the offender's financial condition, it is most likely he will not be able to pay his restitution balance in full prior to the expiration of his supervision scheduled for May 27, 2005. Mr. Zayas has informed us that he can continue making the payments through the U.S. Clerk's Office in the amount of

\$150 monthly. His restitution balance is \$131,076.80 as of the filing of this motion. More so, he is aware that the government may enforce the financial obligation long past the supervision term as there is a twenty (20) year limitation clause on criminal financial obligations pursuant to 18 U.S.C. §§ 3613 and 3664.

WHEREFORE, I declare under perjury that the foregoing is true and correct and that in lieu of the aforementioned, unless ruled otherwise, it is respectfully requested that the Court consider allowing the supervised release term scheduled for May 27, 2005 to expire without any adverse action.

In San Juan, Puerto Rico, this 13th day of April 2005.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Martin De Santiago
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CERTIFICATE OF SERVICE

I HEREBY certify that on April 13, 2005, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
Thomas F. Klumper, Assistant U.S. Attorney, and Rachel Brill, Esq. I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:
Mr. Mario J. Zayas-Canizares, 43 Ephesus Street, Urb. Parque Flamingo, Bayamon, P.R. 00959.

In San Juan, Puerto Rico, this 13th day of April 2005.

s/Martin De Santiago
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MDS